

### **REMARKS**

This Amendment is fully responsive to the non-final Office Action dated December 30, 2009, issued in connection with the above-identified application. Claims 61-71 are pending in the present application. With this Amendment, claims 61, 63, 65, 69, 70 and 71 have been amended. No new matter has been introduced by the amendments made to the claims. Favorable reconsideration is respectfully requested.

In the Office Action, claims 1-20 have been rejected on grounds of non-statutory obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 7,188,224. The Applicants assume that the Examiner meant to recite claims 61-71, since claims 1-20 are not pending in the present application.

The Applicants have provided herewith a terminal disclaimer.

“A rejection based on a nonstatutory type of double patenting can be avoided by filing a terminal disclaimer in the application or proceeding in which the rejection is made.” *In re Vogel*, 422 F.2d 438 (CCPA 1970); *In re Knohl*, 386 F.2d 476 (CCPA 1967); and *In re Griswold*, 365 F.2d 834 (CCPA 1966).

Additionally, “the use of a terminal disclaimer in overcoming a nonstatutory double patenting rejection is in the public interest because it encourages the disclosure of additional developments, the earlier filing of applications, and the earlier expiration of patents whereby the inventions covered become freely available to the public.” *In re Jentoft*, 392 F.2d 633 (CCPA 1968); *In re Eckel*, 393 F.2d 848 (CCPA 1968); and *In re Braithwaite*, 379 F.2d 594 (CCPA 1967).

In view of the terminal disclaimer provided, withdrawal of the rejection on grounds of non-statutory obviousness-type double patenting is respectfully requested.

Claims 61-71 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Specifically, the Examiner alleges that independent claims 61, 70 and 71 recite the limitation directed to the “duplication restriction information,” but the claims do not show how the duplication restriction information is used or how the enforcing of such duplication restriction information is achieved. The Examiner has suggested amending independent claims 61, 70 and 71 to include the features disclosed in dependent claim 64.

Accordingly, the Applicants have amended independent claims 61, 70 and 71 to include the features of claim 64, as suggested by the Examiner. Withdrawal of the rejection to claims 61-71 under 35 U.S.C. 112, second paragraph, is respectfully requested.

In light of the above, the Applicants submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action, and pass the present application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

Hiroki YAMAUCHI et al.

By: /Mark D. Pratt/  
2010.03.30 11:11:13 -04'00'  
Mark D. Pratt  
Registration No. 45,794  
Attorney for Applicants

MDP/ats  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
March 30, 2010